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- **Sierra Club**



SIERRA
CLUB
FOUNDED 1892

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STATE OF MAINE BOARD OF ENVIRONMENTAL PROTECTION

Calais Pipeline Company, LLC
Calais LNG Project Company, LLC
Applications for Liquefied Natural Gas
Terminal in Calais, Maine and Pipeline

PETITION FOR LEAVE TO INTERVENE BY SIERRA CLUB, MAINE CHAPTER

I. Introduction

The Maine Chapter of the Sierra Club (Sierra Club) petitions the Board of Environmental Protection for leave to intervene in these proceedings concerning the applications by the Calais LNG Project company, LLC and the Calais Pipeline Company, LLC ("CLNG") pursuant to 5 M.R.S.A. 9054(1) and 06-096 CMR 30(5)(A).

The Sierra Club is a national nonprofit organization of approximately 1.3 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club's concerns encompass the loss of wetland ecosystems and threats to estuarine and marine wildlife posed by development along our nation's shorelines. The proposed Calais LNG Project and Pipeline (CLNG) will have significant negative impacts on these areas and on existing economic and social activity in this area. We believe that the protection of the environment, human life and public welfare are essential factors to be considered by all levels of government when making siting decisions. These siting decisions should only be made as part of overall land-use planning and should include protection of air and water quality. Certain categories of land should be excluded from certain kinds of development and need must be demonstrated prior to any proceeding of development. The Sierra Club believes that the CLNG project will impact water and air quality, fresh and saltwater wetlands, littoral habitat, marine habitat, wading and migratory bird habitat, fisheries, boating and tourism. The Board of Environmental

Protection (BEP) must consider these impacts in a complete and thorough manner. With such an in depth analysis, the Sierra Club believes that the BEP will deny this application for lack of proof of need, for land use considerations, for location, for additional environmental considerations and for concerns of environmental justice.

II. Standard of Review

A petition for leave to intervene shall be granted if it demonstrates:

1. that the petitioner has a direct and substantial interest which may be affected by the proceedings,
2. that the petitioner has reasonably specific contentions regarding the subject matter of the hearing and the appropriate statutory criteria; and
3. that the petitioner is prepared and capable of participation in the hearing in order to support such contentions.

III. The Sierra Club has a Direct and Substantial Interest

The Sierra Club has 1.3 million members and supporters in the United States and more in Canada. The Sierra Club has 5000 members and supporters in Maine and is organized under the Maine Chapter of the Sierra Club. Members of Sierra Club's Maine Chapter use and enjoy Passamaquoddy Bay. The Sierra Club is a international organization well known for its work on wildlife, Clean Water and Clean Air as well as its efforts towards preservation and conservation of Resilient Habitats and its significant efforts towards reducing Climate Change. Within the State of Maine, the Sierra Club has focused its efforts on preserving significant wildlife habitats (such as the Maine Woods, Sears Island and other coastal areas), sprawl, air quality, wetlands, and climate change. Specifically, the Sierra Club has worked on LNG siting issues in downeast Maine over the past six years. We have worked closely with Save Passamaquoddy Bay and the indigenous rights group We Take Care of Our Homeland in opposition to proposed LNG sites. Sierra Club Canada has also participated in regulatory proceedings regarding similar LNG proposals in the Bay of Fundy. Sierra Club has a long-standing interest in the Passamaquoddy Bay region and its spectacular wildlife and pristine waters. We were involved in the fight over the Pittston Oil Refinery in the 1960's and 70's in order to protect endangered Right Whales and Bald Eagles in the region.

ME Chapter Sierra Club has an interest in the proposal by CLNG due to the adverse and permanent impacts it will have on a wide range of habitats on site, along the proposed pipeline and in Passamaquoddy Bay. Our work in regards to previous LNG applications informs our decision to request to formally intervene in this proceeding. The Sierra Club will give evidence regarding the impact of the proposed LNG facility on fresh and salt water wetlands, littoral areas, marine habitat, inland wading and waterfowl habitat, as well as the marine related impacts considering a tanker passage between Campobello and Deer Islands. Given that the Northern Right Whale is highly endangered and frequents the area around Old Sow Whirlpool located in the Deer Island passage, this siting is of additional particular concern to the Sierra Club. Significant negative impacts will also occur relating to local economies, including local fisheries, boating activities, recreation, and tourism.

IV. Specific Contentions of the Sierra Club

As stated previously, we believe that the CLNG project will have such negative impacts on a wide range of significant habitats, will damage local economies, will not be able to provide Maine with revenue, nor provide an alternative to our dependence on foreign oil (being a fossil fuel mostly derived from away). The size of the project and the size of the tankers will dwarf the local geophysical landscape, cause damage to air and water quality, cause noise and light pollution, impact local fisheries, boating and tourism. The pipeline will damage preserved freshwater wetlands that provide significant habitat for migratory waterfowl, and numerous aquatic life of significance. Additionally there is no need to site this LNG facility in such a location so distant from the intended customer base, and no demonstration that such a facility will provide any economic benefit to the taxpayers of Maine while assuredly negatively impacting existing local human activity.

V. The Sierra Club is Prepared and Capable of Participation


The Sierra Club has an active and extensive environmental litigation record. We participate in a large number of cases annually. The Maine Chapter has filed several 60-day notices under the Clean Water Act and filed lawsuits in order to protect the marine and aquatic resources of Maine. The Maine Chapter has participated in lawsuits challenging the state's proposed general Clean Water Act permit for aquaculture CAFO's; sued the Army Corps of Engineers for violation of the Clean Water Act and the National Environmental Policy Act; participated in

proceedings before the International Joint Commission to preserve spawning habitat for anadromous fish; and challenged aerial pesticide practices by downeast blueberry cultivators. In all of these legal proceedings, Sierra Club demonstrated a capacity and willingness to use all available legal mechanisms to protect aquatic wildlife and ensure compliance with state and federal environmental laws. In addition, the Maine Chapter has participated in administrative, and legislative hearings, including those before the BEP, Maine Department of Transportation, Maine Department of Conservation, LURC, Department of Inland Fisheries and Wildlife, Department of Marine Resources, and the Army Corps of Engineers. The Maine Chapter has experience in looking at the Energy Balance of New England and nationally. We believe that natural gas can provide a transition away from fossil fuel based energy generation, however, we strongly discourage the use of LNG as a means to do so, knowing that there are numerous other means of providing natural gas with reduce impact, including the recent Marcellus Shale discovery. Leaders of the Maine Chapter our counsel will be able to participate in conferences in preparation for the BEP hearing. We believe that we are in a position to provide the Board of Environmental Protection with significant information to better inform their decision.

We respectfully request that the BEP allow the Maine chapter of the Sierra Club to intervene and become party to the proceedings regarding CLNG's application, pursuant to M.R.S.A. 9054 (1) and 06-096 CMR 30 (5) (A).

WHEREFORE, The Sierra Club respectfully petitions the Board for leave to intervene and become a party to these proceedings pursuant to M.R.S.A. § 9054(1) and 06-096 CMR 30(5)(A).

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